

**ORDINANCE NO. 25-16**

**TO AMEND CERTAIN PORTIONS OF THE UNIFIED  
ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA,  
DESIGNATING THE TIME WHEN THE SAME SHALL TAKE EFFECT.**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE,  
INDIANA, THAT ORDINANCE NO. 32-97 IS HEREBY AMENDED AS FOLLOWS:**

**Section 1:** Ordinance No. 32-97 of the City of West Lafayette, Indiana, is hereby amended to rezone the following described real estate, to wit:

**SEE ATTACHED LEGAL DESCRIPTION**

**Section 2:** Said real estate is hereby rezoned as follows:

FROM: I3 district  
TO: NB district

**Section 3:** This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

INTRODUCED ON FIRST READING ON THE 6 DAY OF September, 2016.

MOTION TO ADOPT MADE BY COUNCILOR Keen, AND SECONDED BY COUNCILOR DeBoer.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 6 DAY OF September, 2016, HAVING BEEN PASSED BY A VOTE OF 9 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
DeBoer	✓			
Dietrich	✓			
Jha	✓			
Keen	✓			
Leverenz	✓			
Sanders	✓			
Thomas	✓			
Wang	✓			

  
Peter Bunder, Presiding Officer

Attest:

  
Sana G. Booker, Clerk

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON  
THE 7 DAY OF September, 2016.

  
Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 7 DAY OF  
September, 2016.

  
John R. Dennis, Mayor

Attest:

  
Sana G. Booker, Clerk

Ordinance No. 25-16  
Legal Description

Exhibit A

Commencing at the Southeast Corner of said quarter section; thence South 89 degrees 10 minutes 32 seconds West (bearings based upon the Final Plat of Purdue Research Park, Phase III, Part II, Lot 8, per plat thereof, recorded in Plat Cabinet 9, Slide 91 as Record Number 201212026895 in the Office of the Recorder of Tippecanoe County, Indiana) along the south line of said quarter section and said Final Plat a distance of 315.00 feet to the southernmost southwest corner of said Final Plat; thence North 00 degrees 49 minutes 28 seconds West along the west line thereof a distance of 40.00 feet to the north line of Kalberer Road as shown on said Final Plat and the Point of Beginning; thence South 89 degrees 10 minutes 32 seconds West a distance of 224.64 feet; thence North 00 degrees 17 minutes 18 seconds West a distance of 344.12 feet; thence North 89 degrees 42 minutes 56 seconds East a distance of 500.00 feet to the aforesaid west line of Yeager Road (80 foot wide right-of-way) as shown on said Final Plat; thence along said west line the following three (3) courses:

- 1) South 00 degrees 17 minutes 04 seconds East a distance of 238.04 feet;
- 2) South 51 degrees 14 minutes 54 seconds West a distance of 103.09 feet;
- 3) South 78 degrees 08 minutes 52 seconds West a distance of 198.67 feet to the point of beginning.

Containing 3.71 acres, more or less.

20 NORTH 3RD STREET  
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242  
(765) 423-9154 [FAX]  
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY  
EXECUTIVE DIRECTOR

August 18, 2016  
Ref. No.: 16-197

West Lafayette Common Council  
222 North Chauncey, Room 101  
West Lafayette, IN 47906  
ATTN: Clerk

## CERTIFICATION

**RE: Z-2660--WDA PUB WL LLC (I3 to ~~GB~~ NB):**

Petitioner is requesting rezoning of the northwest corner of Yeager Road and Kalberer in the Purdue Research Park Subdivision, West Lafayette, Wabash 1 (NE) 23-5. CONTINUED FROM THE JULY APC MEETING DUE TO A FILING DEFICIENCY

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 17, 2016 the Area Plan Commission of Tippecanoe County voted 15 yes - 0 no on the motion to rezone the subject real estate from I3 to ~~GB~~ NB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the West Lafayette Common Council that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the West Lafayette Common Council at its Tuesday, September 6, 2016 meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey  
Executive Director

SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Christopher Shelmon  
PRF  
Dave Buck, West Lafayette City Engineer





**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, with consent of owner, Purdue Research Foundation (PRF), represented by attorney Christopher Shelmon of Gutwein Law, is requesting rezoning of 3.71 acres located at the northwest corner of Yeager Road and Kalberer in an uncompleted portion of the Purdue Research Park Subdivision, West Lafayette, Wabash 1 (NE) 23-5.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

This large chunk of undeveloped land northwest of the Yeager/Kalberer Road intersection was originally zoned IR, Industrial Reserve. In 1992, PRF requested and the County Commissioners approved a rezone of 208 acres from IR (and 40 acres of R2) to the Industrial zone. With the adoption of the new zoning ordinance in 1998, the former Industrial zone was eliminated and in its place, three Industrial districts were created: I1, I2, and I3. To provide property owners with the maximum benefit, all existing Industrial zoning at that time became zoned I3, the heaviest industrial zone.

The developed portion of the Purdue Research Park across Kalberer to the south is zoned OR, Office Research. PDRS zoning is to the southeast (Amberleigh Village PD) with R1 zoning across Yeager to the east. Adjacent land to the north and west is zoned I3.

**AREA LAND USE PATTERNS:**

The 3.71 acre site in question is Lot 16 in Purdue Research Park, Phase 3, Part 2 which received preliminary plat approval in 2009. Only one or two lots farther to the north have been final platted at this point. Currently this site is unimproved; it and the 90+ acres surrounding it are in agricultural production, as are adjoining properties to the north and east. To the south is the previous phase of the research park. Catty-cornered to the southeast is the single-family planned development - Amberleigh Village. A daycare facility and a small city trailhead park are farther to the west. To the east on Kalberer is a West Lafayette fire station.

**TRAFFIC AND TRANSPORTATION:**

Under the current *Thoroughfare Plan* this section of Kalberer Road is classified as an urban secondary arterial. North of Kalberer, Yeager Road is classified as an urban local road. However, since the 1981 adoption of the current plan, the level of use for both roads has increased significantly. The draft *Thoroughfare Plan* reflects the increase in traffic, upgrading Kalberer Road to a primary arterial and Yeager Road to a major

collector. The city plans to install a roundabout at this intersection sometime in the future. There is a “no vehicular access” statement shown along both frontages of this lot on the preliminary plat except for a break for access 75’ wide on Yeager at the northeast corner of Lot 16 (shared with Lot 17 adjacent to the north).

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

West Lafayette City Sewer and Indiana-American Water will serve this site. There is a 150’ wide easement, the Yeager Regulated Drain that crosses through this lot roughly parallel to Yeager Road.

**STAFF COMMENTS:**

Petitioner plans to sell this lot to a restaurant; eating and drinking establishments are not permitted in the I3 zone. GB zoning would allow a restaurant, but so would NB, Neighborhood Business and OR, Office Research. Both of those zones, NB and OR, would be preferable at this location than GB zoning.

The nearest GB zone to this site is along the Sagamore Parkway frontage to the west where the high volume of traffic makes the area ideal for gas stations, big box stores, and fast food establishments with drive-through windows. The city, as well as APC staff, would prefer to eliminate any possibility of a drive-through national chain restaurant locating at the site in question.

The Land Use Plan Map from the *Comprehensive Plan* shows an industrial future for this area including the Purdue Research Park on both sides of Kalberer Road. The current zoning, OR to the south and I3 to the north, reflects that plan since the Office Research zone could be considered the lightest adjunct of the Industrial zones in the ordinance. NB zoning, located in an industrial subdivision, would allow the accessory support uses necessary for future employees in the area, while offering more protection to existing and future residences to the southeast and east. Staff could support a rezone of this lot to the OR zone or to the NB zone, either of which would allow petitioner’s planned restaurant by right (but without a drive-through window). Staff cannot however, support this request for General Business zoning.

**STAFF RECOMMENDATION:**

Denial